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09/898,686

07/02/2001

William Elmer Kish

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06/13/2007

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EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/898,686

Applicant(s)

KISH, WILLIAM ELMER

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 27-43 have been examined. Application 09/898,686 **ENHANCEMENT INCENTIVE SYSTEM USING TRANSACTION EVENTS FOR USERS REWARDS ON A DISTRIBUTED NETWORK** has a filing date 07/02/2001.

Response to Amendment

2. In response to Final Rejection filed 08/10/2006, the Applicant filed an RCE on 01/29/2007, which cancel claims 15-17, 23-25 and added new claims 29-43.

Claim Objections

3. Claim 28 is objected to because of the following informalities: Claim 28 is dependent of a cancel claim. For purpose of art rejection, said claim is made dependent of claim 27. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-29, 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredregill (WO 01/86545) in view of Bachman (US 6,895,386).

Claim 27, Fredregill teaches:

A method for compensating employees with business equity based upon employee productivity comprising the steps of:

setting a work shift requirement (see page 17, lines 1-15);

identifying employee productivity in excess of the work shift requirement (see page 17, lines 1-15);

assigning to the employee a point value equal to the excess of the work shift requirement (see page 17, lines 1-20);

Fredregill fails to teach providing a formula for establishing a unit of business equity and applying the formula to convert the employee's point value into one or more units of business equity. However, Bachman teaches a system where users use incentive points to purchase equity shares (see Bachman col 4, line 35 – col 5, line 10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Fredregill's employee's incentive system would add the Bachman's stock compensation system in order to motivate employees to perform certain work shifts as said performing would allow said employees to purchase company equity shares with the incentive points earned for performing said work shifts.

As per claim 28, Fredregill teaches:

The method of claim 27, wherein the point system is recorded in a database accessible through a distributed network of computers (see page 17, lines 1-20).

Claims 29, 34 and 39, Fredregill teaches:

A method for compensating employees comprising the steps of
registering a plurality of employees with employment agreements with a company (see page 4, lines 20-30);

awarding labor points to each of the employees for work performed by each of the employees for the company (see page 6, lines 15-25; page 17, lines 1-10);

awarding purchase points to each of the employees for product purchases made by each of the employees from the company (see page 6, lines 1-37);

providing a database for storing the work performed by each of the employees, the labor points and the purchase points awarded to each of the employees (see page 21, lines 1-15); and

Fredregill fails to teach converting some of the labor points or some of the purchase points into company stock shares. However, Bachman teaches a system where users use incentive points to purchase equity shares (see Bachman col 4, line 35 – col 5, line 10). Therefore, the same argument made in claim 27 regarding this missing limitation is also made in claim 29.

5. Claims 30, 35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredregill (WO 01/86545) in view of Bachman (US 6,895,386) and further in view of Boyd (US 2004/0193489).

Claims 30, 35 and 40, Fredregill fails to teach:

The method for compensating employees of claim 29 further comprising the steps:

offering the products to the employees through an auction; receiving bids from the some of the employees in response to the auction; and providing one of the products to the employee who offers the bid having the highest value and includes some of the labor points and the purchase points. However, Boyd teaches a system where users use incentive points to bid for products in an auction (see Boyd paragraphs 125-129). Therefore, it would have been obvious to a person of ordinary skill in the art

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at the time the application was made, to know that Fredregill would be motivated to allow employees to participate in an auction using said employees' incentive points, as taught by Boyd in order that said employees would be more willing to perform work for said employees' company.

6. Claims 31-33, 36-38 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredregill (WO 01/86545) in view of Bachman (US 6,895,386) and further in view of O'Brien (US 6,587,831).

Claims 31, 36 and 41, Fredregill fails to teach:

The method for compensating employees of claim 29 further comprising the steps:

providing a scheduler that creates a work schedule that includes a plurality of work shifts for the employees;

issuing a request for quote for one of the work shifts to the employees through a reverse auction;

providing a plurality of quotes for the work shift that include a commitment for some of the labor points or the purchase points;

accepting one of the plurality of quotes having the highest value for one of the work shifts in exchange for the labor points or the purchase points in the quote.

However, O'Brien teaches a system that allows employees to bid for work shifts in a reverse auction (see O'Brien col 8, lines 15-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to

know that Fredregill would be motivated to allow employees to bid for work shifts, as taught by O'Brien in order to give said employees control over their work loads.

Claims 32, 37 and 42, Fredregill fails to teach:

The method for compensating employees-of claim 29 further comprising the steps:

providing a scheduler that creates a work schedule that includes a plurality of work shifts having a plurality of job classifications for the employees;

issuing a request for quote for work shifts having one of the job classifications to the employees who are qualified for the work shifts through a reverse auction; and

providing a plurality of quotes for some of the work shifts. However, the same argument made in claim 31 regarding this missing limitation is also made in claims 32, 37 and 42).

Claims 33, 38 and 43, Fredregill fails to teach:

The method for compensating employees of claim 32 further comprising the step: accepting one of the plurality of quotes having the highest value for one of the work shifts in exchange for the labor points or the purchase points in the quote. However, O'Brien teaches allowing employees to bid for work shift using labor points (see col 7, line 60 – col 8, line 15). Therefore, the same argument made in claim 31 regarding this missing limitation is also made in claims 33, 38 and 43.

Response to Arguments

7. Applicant's arguments with respect to claims 27-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
May 1, 2007


RETTA YEHEDEGA
PRIMARY EXAMINER